

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROLAND JESSE DAZA-CORTEZ and
RAFAEL VALADEZ-VAZQUEZ,

Defendants.

NO. CR15-269RAJ

ORDER GRANTING UNITED STATES'
MOTION *IN LIMINE* RE: IMPROPER
IMPEACHMENT

The United States of America filed a motion *in limine* seeking an Order by the Court prohibiting the defense from engaging in improper impeachment of Government witnesses on the basis of prior, non-Felony convictions, as described in the Motion. The Government's motion is unopposed.

THE COURT HEREBY FINDS: Federal Rule of Evidence 609 controls the admissibility of prior convictions for impeachment purposes. Under Rule 609(a)(1), a witness's prior conviction is admissible only if it is a felony, *i.e.*, punishable by death or imprisonment for over a year, provided the court finds that the probative value outweighs its prejudicial effect. Crimes of dishonesty or false statements, regardless of punishment, must be admissible. *See* Fed. R. Evid. 609(a)(2).

THE COURT FURTHER FINDS the Washington State convictions at issue are not Felony convictions and are not crimes of dishonesty or false statements.

1 Accordingly, IT IS ORDERED that the Government's Motion *in Limine*
2 (Dkt. #116) is GRANTED and the defense is prohibited from engaging in impeachment
3 of any witnesses on the basis of prior convictions for the following offenses:

- 4 1. Disorderly Conduct, in violation of RCW 9A.84.030 (Confidential Source)
- 5 2. Negligent Driving 1st Degree, in violation of RCW 46.61.5249 (Witness J.A.)
- 6 3. Driving Under the Influence, in violation of RCW 46.61.502 (Witness C.S.)
- 7 4. Driving with License Suspended in the Third Degree, in violation of RCW
8 46.20.342(1)(c) (Witness C.S.)

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10 DATED this 24th day of February, 2017.

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13 The Honorable Richard A. Jones
14 United States District Judge